

**PATENT APPLICATION**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No: Q79655

Rabih ABOU-CHAKRA, et al.

Appln. No.: 10/766,842

Group Art Unit: 2416

Confirmation No.: 3849

Examiner: Henry BARON

Filed: January 30, 2004

For: AUDIO AND VIDEO DATA PROCESSING DEVICE FOR MULTIMEDIA  
COMMUNICATION VIA A LOCAL NETWORK SET UP WITHIN AN  
ASYNCHRONOUS NETWORK

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

**MAIL STOP AF - PATENTS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Pursuant to the Pre-Appeal Brief Conference Pilot Program, and further to the Examiner's Final Office Action dated March 4, 2009, Applicant files this Pre-Appeal Brief Request for Review. This Request is also accompanied by the filing of a Notice of Appeal.

Applicant turns now to the rejections at issue:

Claims 1-7, 10, and 15 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Danneels et al (U.S. Patent No. 5,663,951, hereafter "Danneels"), in view of Ishibashi et al, ("A Synchronization Mechanism for Continuous Media in Multimedia Communication", INFOCOM '95. Fourteenth Annual Joint Conference of the IEEE Computer and Communications Societies. Bringing Information to People. Proceedings. IEEE 2-6 April 1995 Page(s): 1010 - 1019 vol. 3, hereafter "Ishibashi"). Claims 8 and 9 remain rejected under 35

U.S.C. § 103(a) as being unpatentable over Danneels in view of Ishibashi and further in view of Little et al. (“Network and Operating Systems Support for Digital Audio and Video: Proceedings, 5th International Workshop on Network and Operating Systems Support for Digital Audio and Video, Springer 1995”, hereafter “Little”). Claims 11-13 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Danneels in view of Ishibashi and further in view of Keshab et al. (“Digital Signal Processing for Multimedia systems”, CRC Press 1999, pg. 245 and 274, hereafter “Keshab”). Applicant respectfully traverses the prior art rejections.

Independent claim 1 recites in part:

a video link (L2) between these connection means (ML1) and the video terminal (PC1) of the first pair,

an audio link (L1) between these connection means (ML1) and the audio terminal (TM1) of the first pair,

a video link (L3-2) between these connection means (ML1) and the second pair (TM2, PC2), and

an audio link (L3-1) between these connection means (ML1) and the second pair (TM2, PC2),

wherein the connection means synchronizes audio and video data according to a delay.

In the previous Response filed on January 6, 2009, Applicant submitted that there is no teaching or suggestion in Danneels or Ishibashi of the element “wherein the connection means synchronizes audio and video data according to a delay”, as recited in claim 1. Applicant submitted that Danneels’s objective is completely different from the claimed invention, since

Danneels only deals with capacity issues and does not address specific issues regarding asynchronous networks with random transmission times.

In response, the Examiner asserts:

Examiner replies that as a 103 rejection, each reference must teach elements of the claims and complement each other in an obvious context to combine. In this instance, Danneels teaches of video conferencing that communicate between two pairs of audio and video terminals across a network that can be read 4:[0050] ‘The conferencing systems communicate via network 110, which may be either an integrated services digital network (ISDN), a local area network (LAN), or a wide area network (WAN).’ As is well known in the art, at least one of these networks can be configured as an asynchronous network with random transmission times e.g. Ethernet. Danneels further teaches of a delay in transmitting audio and video packet, but not of synchronous per se. This is complemented by the synchronization teachings of Ishibashi.<sup>2</sup> (emphasis added)

Again, Applicant respectfully disagrees with the Examiner’s position. Contrary to the Examiner’s assertions, Danneels does not synchronize audio and video data according to a delay. Danneels teaches that when data is transmitted from a local node to a remote node, a first subset of the data packets is transmitted to the remote node and then a subsequent subset of the packets is transmitted from the local node to the remote node after a delay in order to prevent the data packets from overloading the remote node (see column 1, lines 61-65 of Danneels). At best, Danneels delays a portion of the data packets that are to be transmitted to a remote node. However, Danneels does not synchronize the data packets based on a delay.

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<sup>2</sup> Pages 2-3 of the Office Action dated March 4, 2009.

Further, Danneels does not pertain to asynchronous networks. The Examiner appears to acknowledge this fact by asserting that networks such as ISDNs, LANs, or WANs may be configured as an asynchronous network with random transmission times. Applicant respectfully submits that even if this assertion were true, Danneels does not relate to asynchronous networks, thus the Examiner is alleging subject matter that is not taught nor suggested by the reference.

The Examiner obviously agrees that Danneels does not teach or suggest “the connection means synchronizes audio and video data according to a delay”, as recited in the claim. The Examiner thus relies on Ishibashi to allegedly cure this deficiency and asserts that the references “complement each other”.. Applicant respectfully disagrees with the Examiner and submits that the references do not in fact complement each other since they are directed to completely different objectives.

First, Ishibashi does not teach or suggest synchronizing audio and video data according to a delay, as recited in the claim. Ishibashi relates to the continuous synchronization of master streams and slave streams (Ishibashi does not indicate what the two data streams represent) by delaying the arrival of one of the streams. Ishibashi differs structurally from Danneels in that in the Ishibashi system the source comprises two or more terminals, and the destination comprises a single terminal, while in Danneels, the communication is between two single terminals. Accordingly, Danneels and Ishibashi do not complement each other.

Moreover, the two references teach away from each other in that Ishibashi teaches synchronizing the two data streams so that they arrive at the destination simultaneously (see section 3), while Danneels teaches delaying subsets of data packets so that they do not arrive at

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their destinations simultaneously (thus preventing overloading) (see column 1, lines 61-65 of Danneels).

Accordingly, Applicant respectfully submits that there is no teaching or suggestion in the cited references that “the connection means synchronizes audio and video data according to a delay”, as recited in claim 1.

Accordingly, Applicant respectfully submits that independent claim 1 should be allowable because the cited references, alone or in combination, do not teach or suggest all of the elements of the claim. Claims 2-13 and 15 should also be allowable at least by virtue of their dependency in independent claim 1.

Respectfully submitted,

/Mark E. Wallerson/

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Mark E. Wallerson  
Registration No. 59,043

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
23373  
CUSTOMER NUMBER

Date: June 3, 2009